

MEMO ENDORSED

LAW OFFICES OF
WAYNE KREGER, P.A.

305 BROADWAY, SUITE 700

NEW YORK, NEW YORK 10007

Telephone: (212) 500-3270

Facsimile: (212) 500-3271

100 WILSHIRE BOULEVARD, SUITE 700

SANTA MONICA, CALIFORNIA 90401

Telephone: (310) 917-1083

Facsimile: (310) 917-1001

EMAIL: WAYNE@KREGERLAW.COM

Also admitted in CA & DC

Respond to: New York Office

March 1, 2024

VIA ECF

Hon. Valerie E. Caproni, United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom: 443
New York, New York 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/1/2024

Re: *Pena v. 9-15 Post Holding LLC, et al*
Case No. 23-CV-06629 (VEC)(SDA)

Dear Judge Caproni:

The undersigned represents Defendant Elio&Sons2 LLC (“Defendant”) in the above-referenced action. We are writing to briefly respond to Plaintiff Miguel Pena’s (“Plaintiff”) February 29, 2024 letter to the Court requesting an Adjournment of the March 8, 2024 Initial Conference [Dkt 23].

While Defendant does not oppose Plaintiff’s Request for an Adjournment, Plaintiff’s letter inexplicably referred to “difficulties with Defendant” three times, implying that Defendant is the cause for the lack of a global settlement. With all respect to this Court’s necessary severance from the parties’ actual settlement discussions, Defendant responds only that the Plaintiff is the cause for the absence of a global settlement, and the parties’ differences will not be overcome unless and until Plaintiff returns to the agreement that was reached with the mediator.

Defendant thanks the Court for your time and consideration of this letter, and apologizes for having to send it in the first place.

Sincerely,

Wayne S. Kreger

WAYNE S. KREGER

cc: All Counsel via ECF

The Initial Pretrial Conference scheduled for March 8, 2024 at 10:00 A.M. is CANCELLED. In light of the parties' consent to proceed in front of the Magistrate Judge, all further communications about the case should be directed to Magistrate Judge Aaron.

SO ORDERED.

3/1/2024

Valerie Caproni

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE